

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

CLEVELAND DIVISION

UNITED STATES OF AMERICA

v.

JAYWUAN PEAVY

Case No. 4:20M6092

Filed Under Seal

AFFIDAVIT IN SUPPORT OF ARREST WARRANT AND CRIMINAL COMPLAINT

I, John R. Minichello, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent (“SA”) with the FBI and served in that capacity since graduating from the basic agent training program at the FBI Academy in Quantico, Virginia in 2010. I am currently assigned to the FBI Cleveland Division. As such, I am an “investigative or law enforcement officer” of the United States within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516(1).

2. Prior to serving as an SA with the FBI, I served as an infantry officer in the United States Army for five years. In this role, in addition to my duties as a leader of troops in combat, I conducted investigations into criminal misconduct under the Uniform Code of Military Justice.

3. As a federal law enforcement officer, I have participated in and conducted investigations involving the violation of federal narcotics and terrorism statutes.

4. I have participated in investigations involving the search and exploitation of communications facilities, social media accounts, and digital media. During these investigations, I have participated in interviewing witnesses and cooperating sources regarding illegal trafficking in controlled substances and I have read official reports of similar interviews by other officers.

5. I am familiar with the methods with which individuals mask their identity in order to evade law enforcement while engaging in criminal activity using the internet.

6. I have been involved in numerous investigations into individuals transmitting threats or threatening information via the internet and as part of those investigations, I have drafted search warrants, including affidavits for the search of digital media and social media accounts, and have executed search warrants and arrests based on these warrants.

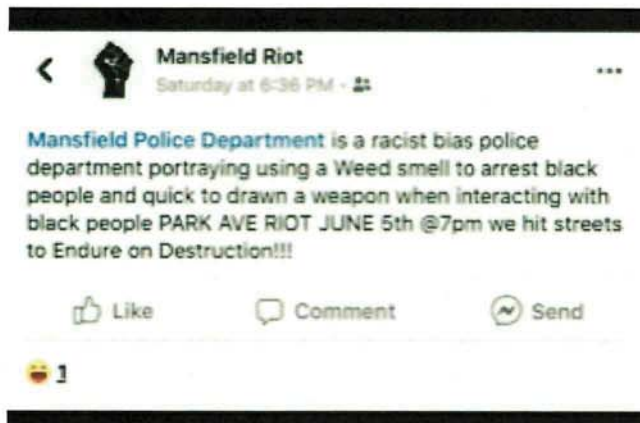
7. Your Affiant bases this affidavit upon personal knowledge and observations made during the course of this investigation, and upon my personal review of records, documents, and items lawfully obtained by third parties, public records, and interviews. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part. The Affiant is familiar with the information contained in this affidavit based upon the investigation I have conducted to date and based on my conversations with other law enforcement officers who have been involved in this investigation, some of whom have also been engaged in numerous investigations involving domestic terrorism. Because this affidavit is being submitted for the limited purpose of establishing probable cause for the issuance of an arrest warrant, I have not included each and every fact I know about the investigation.

8. Title 18, United States Code, Section 2101, provides that “Whoever travels in interstate or foreign commerce or uses any facility of interstate or foreign commerce, including, but not limited to, the mail, telegraph, telephone, radio, or television, with intent 1) to incite a riot; or 2) to organize, promote, encourage, participate in, or carry on a riot; or 3) to commit any act of violence in furtherance of a riot; or 4) to aid or abet any person in inciting or participating in or carrying on a riot or committing any act of violence in furtherance of a riot” shall be guilty of a federal offense.

BACKGROUND

9. On or about June 2, 2020, an identified individual provided the Mansfield Ohio Police Department with images of a Facebook account with username “Mansfield Riot.” The images included text of the following statements: (1) “PARK AVE RIOT JUNE 5TH @7PM we hit the streets to endure on destruction!!!” (2) “We will be launching 3 attacks on Mansfield stores and will not be announcing once its commenced this is only the beginning #BLACKLIVESMATTER #ENDOFMANSFIELDPARTY,” and (3) “me and my squad will be flooding park ave to protest for #GeorgeFloyd and the city of Mansfield Please join us Friday June 5th 2020 @ 7pm.” Based upon the timestamp, the first statement appears to have been posted on Saturday, May 30, 2020, with the latter statements being posted on a subsequent day. Investigators attempted to access the Facebook page but it was inaccessible.

10. The images provided to the Mansfield Police Department were as follows:





PROBABLE CAUSE

11. On or about June 3, 2020, based on the threatening nature of the Facebook posts, investigators obtained a search warrant signed by the Richland County Municipal Magistrate Judge for the identified Facebook account. In response to the warrant, Facebook provided identifying geolocation information and IP addresses associated with the account mansfield.riot.9, username "Mansfield Riot." Facebook also provided the account creation date of 2020-05-30 19:24:45 UTC and IP address associated with the account as 2605:a000:122a:4808:b154:34b9:3f91:f26f.

12. Investigators identified the provider for the Internet Protocol address associated with the user of the account as Spectrum/Charter Communications. At the request of investigators, Spectrum/Charter Communications advised the IP address was issued to subscriber Jaywuan Peavy of 1165 Harwood Dr Apt D Mansfield, Ohio 44906.

13. Based on this and other information, investigators obtained an arrest warrant for Jaywuan Peavy. On or about June 4, 2020, investigators arrested Peavy at 1165 Harwood Dr Apt D Mansfield, Ohio, and executed a search warrant issued for this same location. Investigators obtained a firearm, suspected heroin, as well as a cellular telephone belonging to Jaywuan Peavy.

14. Following his arrest or about June 4, 2020, investigators interviewed Jaywuan Peavy. During the recorded interview, Peavy agreed that he was read his Miranda Warning and that he was giving a statement of his own free will. Peavy admitted that he created the "Mansfield Riot" Facebook page and that he also uses a second Facebook page with username "Jaywuan Nabron Peavy." On the "Mansfield Riot" account, he admitted to posting, "We will be launching 3 attacks on Mansfield stores and will not be announcing once its commenced this is only the beginning #BLACKLIVESMATTER #ENDOFMANSFIELDPARTY." Peavy also admitted to posting, "The mayor of Mansfield never cared for the city me and my squad will be flooding park ave to protest for #GeorgeFloyd and the city of Mansfield Please join us Friday June 5th 2020 @7pm." Peavy also admitted to posting, "Mansfield Police Department is a racist bias police department portraying using a Weed small to arrest black people and quick to drawn a weapon when interacting with black people PARK AVE RIOT JUNE 5th @7pm we hit the streets to Endure on Destruction!!!" On the "Jaywuan Nabron Peavy" Facebook account, Peavy admitted that he posted, "N***a I'm finna lead the riot we finna come up."

CONCLUSION

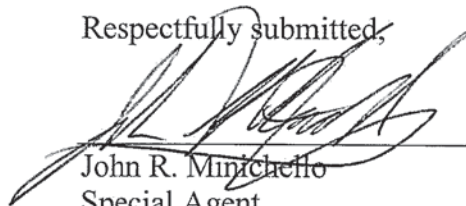
15. Based on the information set forth in this affidavit, I submit that there is probable cause to believe:

16. On or about May 30, 2020, Defendant Jaywuan Peavy used a facility of interstate

commerce with the intent (a) to incite a riot, and (b) to organize, promote, encourage, participate in, and carry on a riot, in violation of Title 18, United States Code, Sections 2101(a)(1) and (2).

17. Based on the aforementioned factual information, Affiant respectfully submits that there is probable cause to support a complaint and arrest warrant charging JAYWUAN PEAVY with using a facility of interstate or foreign commerce with the intent to organize, promote, encourage, participate in, or carry on a riot, pursuant to Title 18 U.S.C. § 2101(a)(2) and (4).

Respectfully submitted,


John R. Minichello
Special Agent
FBI

Subscribed and sworn to before me on June 5, _____, 2020.

/s/George J Limbert
UNITED STATES MAGISTRATE JUDGE

